



## *Report to the Auburn City Council*

Action Item

Agenda Item No.

**8**

City Manager Approval

**To:** Mayor and City Council Members  
**From:** Bernie Schroeder, Director of Public Works *BS*  
**By:** Carie Huff, P.E., Associate Civil Engineer *CH*  
**Date:** October 22, 2012  
**Subject:** Program Supplement Agreement – 2012 Street Overlay Project – Dairy Road

### **The Issue**

Shall the City of Auburn authorize the Director of Public Works to execute the Program Supplement Agreement with the Department of Transportation for the 2012 Street Overlay Project – Dairy Road?

### **Conclusion and Recommendation**

Staff recommends that City Council, **BY RESOLUTION**, authorize the Director of Public Works to execute Program Supplement Agreement No. 012-N to Administering Agency-State Agreement No. 03-5077R in the amount of \$322,928 for the 2012 Street Overlay Project – Dairy Road.

### **Background**

The City of Auburn through the Placer County Transportation Planning Agency received its fair share of the Regional Surface Transportation (RSTP) Funding. The City obligated the federal funds for the 2012 Street Overlay Project – Dairy Road in September 2012 and Program Supplement Agreement will allow the City to proceed with construction of the project. The Program Supplement includes funding for the construction phase of the project in the amount of \$322,928 with a required local match of \$40,840. The local match and any additional monies required will be funded by the Local Transportation Fund. The total project cost is estimated to be \$423,000.

### **Alternatives Available to Council; Implications of Alternatives**

1. Accept Staff Recommendation
2. Take no action.

### **Fiscal Impact**

Funding for this project is primarily from the federal funds that are administered by the State of California Department of Transportation under the Regional Surface Transportation Program (RSTP) in an amount of \$322,928. The remaining funds for the project will be allocated from the Local Transportation Fund of which approximately \$500,000 is available. The remaining Local Transportation Funds will be used for future overlay projects.

**Attachments:** Program Supplement No. 012-N to Administering Agency-State Agreement for Federal Aid Project No. 03-5077R  
Resolution

**PROGRAM SUPPLEMENT NO. N012**  
**to**  
**ADMINISTERING AGENCY-STATE AGREEMENT**  
**FOR FEDERAL-AID PROJECTS NO 03-5077**

**Adv Project ID** 0313000034 **Date:** September 26, 2012  
**Location:** 03-PLA-0-AUB  
**Project Number:** STPL-5077(018)  
**E.A. Number:**  
**Locode:** 5077

This Program Supplement hereby adopts and incorporates the Administering Agency-State Agreement for Federal Aid which was entered into between the Administering Agency and the State on 01/17/07 and is subject to all the terms and conditions thereof. This Program Supplement is executed in accordance with Article I of the aforementioned Master Agreement under authority of Resolution No. approved by the Administering Agency on (See copy attached).

The Administering Agency further stipulates that as a condition to the payment by the State of any funds derived from sources noted below obligated to this PROJECT, the Administering Agency accepts and will comply with the special covenants or remarks set forth on the following pages.

**PROJECT LOCATION:**

Dairy Road from Auburn Ravine to Luther

**TYPE OF WORK:** Asphalt Concrete Overlay

**LENGTH:** 0.0(MILES)

Estimated Cost	Federal Funds	Matching Funds		
	L24E \$322,928.00	LOCAL		OTHER
\$477,659.00		\$127,731.00		\$27,000.00

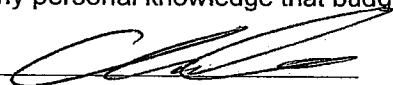
**CITY OF AUBURN**

**STATE OF CALIFORNIA**  
**Department of Transportation**

By \_\_\_\_\_  
 Title \_\_\_\_\_  
 Date \_\_\_\_\_  
 Attest \_\_\_\_\_

By \_\_\_\_\_  
 Chief, Office of Project Implementation  
 Division of Local Assistance  
 Date \_\_\_\_\_

I hereby certify upon my personal knowledge that budgeted funds are available for this encumbrance:

Accounting Officer 

Date 9/27/12' \$322,928.00

Chapter	Statutes	Item	Year	Program	BC	Category	Fund Source	AMOUNT



## SPECIAL COVENANTS OR REMARKS

1. ADMINISTERING AGENCY agrees that it will only proceed with work authorized for specific phase(s) with an "Authorization to Proceed" and will not proceed with future phase(s) of this project prior to receiving an "Authorization to Proceed" from the STATE for that phase(s) unless no further State or Federal funds are needed for those future phase(s).
2. The ADMINISTERING AGENCY will advertise, award and administer this project in accordance with the current published Local Assistance Procedures Manual.
3. Award information shall be submitted by the ADMINISTERING AGENCY to the District Local Assistance Engineer within 60 days of project contract award and prior to the submittal of the ADMINISTERING AGENCY'S first invoice for the construction contract.

Failure to do so will cause a delay in the State processing invoices for the construction phase. Please refer to Section 15.7 "Award Package" of the Local Assistance Procedures Manual.

4. ADMINISTERING AGENCY agrees, as a minimum, to submit invoices at least once every six months commencing after the funds are encumbered for each phase by the execution of this Project Program Supplement Agreement, or by STATE's approval of an applicable Finance Letter. STATE reserves the right to suspend future authorizations/obligations for Federal aid projects, or encumbrances for State funded projects, as well as to suspend invoice payments for any on-going or future project by ADMINISTERING AGENCY if PROJECT costs have not been invoiced by ADMINISTERING AGENCY for a six-month period.

If no costs have been invoiced for a six-month period, ADMINISTERING AGENCY agrees to submit for each phase a written explanation of the absence of PROJECT activity along with target billing date and target billing amount.

ADMINISTERING AGENCY agrees to submit the final report documents that collectively constitute a "Report of Expenditures" within one hundred eighty (180) days of PROJECT completion. Failure of ADMINISTERING AGENCY to submit a "Final Report of Expenditures" within 180 days of PROJECT completion will result in STATE imposing sanctions upon ADMINISTERING AGENCY in accordance with the current Local Assistance Procedures Manual.

5. Any State and Federal funds that may have been encumbered for this project are available for disbursement for limited periods of time. For each fund encumbrance the limited period is from the start of the fiscal year that the specific fund was appropriated within the State Budget Act to the applicable fund Reversion Date shown on the State approved project finance letter. Per Government Code Section 16304, all project funds not liquidated within these periods will revert unless an executed Cooperative Work Agreement extending these dates is requested by the ADMINISTERING AGENCY and approved by the California Department of Finance.

## SPECIAL COVENANTS OR REMARKS

ADMINISTERING AGENCY should ensure that invoices are submitted to the District Local Assistance Engineer at least 75 days prior to the applicable fund Reversion Date to avoid the lapse of applicable funds. Pursuant to a directive from the State Controller's Office and the Department of Finance; in order for payment to be made, the last date the District Local Assistance Engineer can forward an invoice for payment to the Department's Local Programs Accounting Office for reimbursable work for funds that are going to revert at the end of a particular fiscal year is May 15th of the particular fiscal year. Notwithstanding the unliquidated sums of project specific State and Federal funding remaining and available to fund project work, any invoice for reimbursement involving applicable funds that is not received by the Department's Local Programs Accounting Office at least 45 days prior to the applicable fixed fund Reversion Date will not be paid. These unexpended funds will be irrevocably reverted by the Department's Division of Accounting on the applicable fund Reversion Date.

6. The Administering Agency shall not discriminate on the basis of race, religion, age, disability, color, national origin, or sex in the award and performance of any Federal-assisted contract or in the administration of its DBE Program Implementation Agreement. The Administering Agency shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure nondiscrimination in the award and administration of Federal-assisted contracts. The Administering Agency's DBE Implementation Agreement is incorporated by reference in this Agreement. Implementation of the DBE Implementation Agreement, including but not limited to timely reporting of DBE commitments and utilization, is a legal obligation and failure to carry out its terms shall be treated as a violation of this Agreement. Upon notification to the Administering Agency of its failure to carry out its DBE Implementation Agreement, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and/or the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
7. As a condition for receiving federal-aid highway funds for the PROJECT, the Administering Agency certifies that NO members of the elected board, council, or other key decision makers are on the Federal Government Excluded Parties List System (EPLS).

1 RESOLUTION NO. 12-  
2 RESOLUTION FOR PROGRAM SUPPLEMENT AGREEMENT FOR THE 2012  
3 STREET OVERLAY – DAIRY ROAD  
4 -----

5 THE CITY COUNCIL OF THE CITY OF AUBURN DOES HEREBY RESOLVE:

6 That the City Council does hereby authorize the Director of Public Works to  
7 execute Program Supplement Agreement No. 012-N to Administering Agency-  
8 State Agreement No. 03-5077R in the amount of \$322,928 for the 2012 Street  
9 Overlay Project.

10 DATED: October 22, 2012  
11

12 \_\_\_\_\_  
Kevin Hanley, Mayor

13 ATTEST:

14 \_\_\_\_\_  
15 Joseph G. R. Labrie, City Clerk  
16

17 I, Joseph G. R. Labrie, City Clerk of the City of Auburn, hereby certify  
18 that the foregoing resolution was duly passed at a regular session meeting of  
19 the City Council of the City of Auburn held on the 22<sup>nd</sup> day of October 2012 by  
the following vote on roll call:

20 Ayes:

21 Noes:

22 Absent:

23 \_\_\_\_\_  
Joseph G. R. Labrie, City Clerk  
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